

MINUTES OF THE CONFERENCE CALL MEETING
BOARD OF MASSAGE THERAPY

July 10, 2020

1. ROLL CALL

The conference call meeting of the Board of Massage Therapy was called to order by Brian Allison, Chair, at 9:06 a.m. in Conference Room LU1, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered roll call:

Members Present (3):

Brian Allison, Chair

Steven Carper, Vice-Chair

Michele Helaney, Secretary (entered meeting at 9:06 a.m.)

Members Absent (1):

Mallory Carstens, Member

Others Present (1):

Kris Chiles, Program Manager, Licensure Unit

2. ADOPTION OF AGENDA

MOTION: Helaney moved, seconded by Carper, to adopt the agenda. A voice vote was taken. Voting aye: Allison, Carper, Helaney (3). Voting nay: None (0). Absent: Carstens (1). Motion carried.

3. APPROVAL OF MINUTES (12.6.2019 and 6.12.2020)

MOTION: Carper moved, seconded by Helaney, to approve the minutes of 12.6.2019. A voice vote was taken. Voting aye: Allison, Carper, Helaney (3). Voting nay: None (0). Absent: Carstens (1) Abstain: (0). Motion carried.

MOTION: Carper moved, seconded by Helaney, to approve the minutes of 6.12.2020. A voice vote was taken. Voting aye: Allison, Carper, Helaney (3). Voting nay: None (0). Absent: Carstens (1) Abstain: (0). Motion carried.

4. REGULATION UPDATE: 172 NAC 81, 82, 83

Chapter 81, 82, 83 were approved by the Board of Health on June 15, 2020; next step is to forward to the Attorney General for review and approval; then the Governor's Office; effective 5 days after filing with the Secretary of State (providing approved at all steps of the process).

5. COVID-19: REVIEW EXECUTIVE ORDERS AND FAQ's

<http://dhhs.ne.gov/Pages/Coronavirus.aspx>

6. 2020 LEGISLATIVE SESSION UPDATE AND DISCUSSION

<https://nebraskalegislature.gov/> (Session 7.20-8.13)

- LB 347 – Exempt Reflexology:
https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=37629

The following information was reported by AMTA:

- The bill was filibustered on the floor with a motion to indefinitely postpone the bill.
- AMTA opposes the bill; they met with the introducing Senator and provided education regarding reflexology, it's a subset of massage, if compromise, perhaps consider a special certification under massage with a specific scope, but do not support an exception from licensure.

Board Members discussion:

- Nebraska's Governor and the Platte Institute have been advocating for less regulation.
- Board confirmed their previous position, that they do not support the bill; they will continue to monitor the legislative session and discuss action if the bill is address; Carper will resend his January 17, 2020 letter on behalf of the board, in opposition of LB347.
- LB's of other interest: No other bills were discussed

7. UPDATE FROM NEBRASKA CHAPTER OF THE AMERICAN MASSAGE THERAPY ASSOCIATION (AMTA)

<http://www.amtane.org>

The following information and discussion was provided:

- Thank you to the Board for their work
- Virtual trainings are becoming the norm
- Next year will be AMTA's 75th anniversary
- Requested a copy of the Board Position Statement on Massage as a Health Care Related Profession (response: will be provided and attached to the next set of minutes)
- Where to report mask violations; (response: should be reported to DHHS Licensure Unit and also the County Health Department where the violation occurred)
- Can the Board hold video meetings to encourage member participation (response: will research)
- Request 'Closed Session' be held at end of meeting to assist with knowing when to call in to the meeting (response: will adjust agenda for conference call meetings)

8. DISCUSSION RELATING TO RED LASER THERAPY AND BOARD POSITION (MESSAGE THERAPY?)

The Board reviewed a request relating to whether a practice loosely labeled as "red laser therapy" requires any licensures under Nebraska law.

Unfortunately there is not a single source of information relating to 'red laser therapy' nor is there a listing of every modality or service that may or may not be provided by massage therapists. Based on internet research, some 'Red Laser' services appear to be within the definition of massage therapy under physical, mechanical, or electrical manipulation of soft tissue for the therapeutic purposes of enhancing muscle relaxation, reducing stress, improving circulation, or instilling a greater sense of well-being and require a license.

The Board also voiced concern that some of the research indicated that the services and purpose of this therapy, is to 'treat medical conditions', which is not within the massage therapy scope of practice, but rather a medical related license (see 38-1706).

Note: Advisory statements issued by the Board of Massage Therapy are for informational purposes only; they are NOT legal opinions and are non-binding. The advisory opinions define acts, which in the opinion of the board, are or are not considered the practice of massage therapy and does not relate to review for any other licenses that may be required.

9. ADJOURNMENT

There being no further business, Allison declared the meeting of the Board of Massage Therapy adjourned at 10:40 a.m.

Submitted by Michele Helaney, Secretary
Board of Massage Therapy